

**APPLICATION NO** PA/2014/0249

**APPLICANT** Keigar Homes Ltd

**DEVELOPMENT** Planning permission for the erection of 10 dwellings with associated garaging and parking, including new access road

**LOCATION** Land rear of Burgon Crescent, Winterton

**PARISH** WINTERTON

**WARD** Burton Stather and Winterton

**CASE OFFICER** David Wordsworth

**SUMMARY RECOMMENDATION** **Subject to a Section 106 agreement, grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Member 'call in' (Councillors Marper and Ogg – significant public interest)

## **POLICIES**

**National Planning Policy Framework (NPPF):** Paragraphs 19, 32, 49, 56, 96, 103, 131, 132, 186 and 187.

**North Lincolnshire Local Plan:** Policies H8, H10, DS1, DS3, DS14, T2 and T19.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS9 and CS25.

## **CONSULTATIONS**

**Highways:** Comments to follow. A verbal update will be given at the meeting.

**Anglian Water:** No objections.

**Environment Agency:** No objections subject to conditions.

**Strategic Housing:** Require a 20% affordable housing contribution on site which equates to two dwellings.

**Public Health:** Have concerns regarding additional traffic during the construction period and the proximity of the site to a local school.

**Partnership and Resources:** A sports facility calculator has been developed by Sport England and this should be applied to this proposal for houses to determine the value of commuted sums that are required for off-site leisure provision.

**Street-lighting:** No lighting details have been submitted. The proposed road is potentially adoptable and must be lit to current standards therefore conditions will need to be attached.

**Crime Reduction Officer:** This proposal meets the principles of crime prevention through environment design and designing out crime, therefore no objections.

**HER:** The HER originally objected to the proposal because the application was not accompanied by a heritage assessment of below ground assets as required under paragraph 128 of the NPPF. This assessment has now been submitted by the applicants and the HER has commented that no further archaeological works are required.

**Humberside Fire and Rescue:** Recommend an informative.

**Environmental Protection:** Recommend a condition requiring a construction management plan to be submitted and approved to protect occupiers of residential properties nearby from adverse impacts of dust, noise, lighting and general disturbance to the construction phase.

## **TOWN COUNCIL**

Makes the following comments:

- The town council is pleased the scheme consists of two, three and four-bedroom properties that are in keeping with the area.
- The council has major concerns regarding access/traffic management and basic infrastructure, particularly drainage.
- The traffic management plan should ensure no construction traffic uses Churchfields without safety strategies being in place.
- The council has concerns about entry through Burgon Crescent as children live adjacent to the site.
- A vehicle size restriction should be enforced to reduce accidents.
- The current drainage infrastructure in Winterton is of concern – any grant of permission should require a review of the current drainage system to be undertaken.

**Public Open Space Co-ordinator:** Policy H10 of the North Lincolnshire Local Plan and SPG10 require an off-site contribution to be made to improve and enhance casual open areas within Winterton.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. The following comments have been received:

- significant increase in the number of dwellings and potential increase in traffic onto North Street ,therefore double yellow lines and parking restrictions around the junction must be required; danger due to parked vehicles when exiting Burgon Crescent
- Churchfields is a narrow unadopted lane unsuitable for construction traffic which damaged the surface earlier in the year
- loss of light to existing property adjoining the site

- plot 2 is to be located close to the road beyond the existing building line
- safety of pedestrians, particularly children on the close; safety of drivers due to two blind corners
- the existing road has no footpath, pedestrians would be at risk; a temporary entrance should be installed should permission be granted
- construction traffic would be unacceptable up and down the road
- there are a number of empty houses in the vicinity – why are further houses needed?
- the proposal represents cramped over-development of the site – the dwellings should be smaller and of lower value
- loss of value of property adjacent to the site
- this proposal would further reduce the amount of play area for the children
- adverse impact upon 12 West Street adjacent to the site from overlooking and loss of light
- the applicants felled a mature tree and bushes prior to any grant of planning permission on the site
- the proposal would bring about a dramatic change to the environment for existing residents
- damage to the existing road would be inevitable
- two cars per dwelling would mean an additional 20 cars going back and forth each day.

## **ASSESSMENT**

The proposal involves the erection of 10 dwellings (consisting of 5 detached and 2 pairs of semi-detached houses, and 1 detached bungalow) on a site of 0.28 hectares.

The site is located within the development boundary of Winterton as allocated in the North Lincolnshire Local Plan, just north of the conservation area. The site forms a third and final phase of a housing site that is accessed from North Street through Burgon Crescent which currently is a cul-de-sac serving approximately 24 dwellings. This proposal involves the extension of the existing road to form an L-shaped street layout to serve 10 dwellings either side of the road. To the north of the site is the existing cul-de-sac of Burgon Crescent, to the east are the elongated garden areas of properties on North Street, and to the south is a range of dwelling types, including flats, detached and semi-detached houses accessed from West Street and two detached bungalows that are set further back from the road. To the west is a narrow lane from which several terraced cottages are accessed, and beyond is the Winterton school site with extensive playing fields.

**The key issues in determining this proposal are whether the development would have any adverse impacts upon residential amenity currently enjoyed by the existing occupants of surrounding dwellings, and whether the development is acceptable in**

**highway terms given that a further 10 units would be constructed and accessed through a narrow cul-de-sac.**

The principle of residential development on this site is considered to be acceptable for the following reasons. The site is located within the development boundary of Winterton as shown in the North Lincolnshire Local Plan and policy CS1 of the North Lincolnshire Core Strategy permits development within market towns such as Winterton provided that all growth takes account of the existing infrastructure, environmental constraints and ensures that the distinctive character of the town is protected. The site is located within a residential area and is completely surrounded by existing residential properties. Consequently, in terms of planning policy and locational factors, residential development is acceptable on this site. The parish council and local residents have raised concerns regarding the number of dwellings proposed, increasing traffic through the existing cul-de-sac and also in terms of construction traffic during the construction phase. The situation that is proposed on this site is no different to other development sites in the area where the initial phases of development are completed and houses are then occupied, and at a later date subsequent phases are developed. Health and safety matters, involving the interface between existing residents and construction traffic, are matters which the developers are required to fully consider and embrace. The imposition of conditions will ensure the construction phase is effectively managed and existing residents are not put at undue risk during the development of the site. The council's Environmental Protection team has advised a condition requiring the submission of a construction management plan to protect existing residents from the impacts of development such as dust, noise, lighting and general disturbance during the construction phase and it is also a requirement to attach a condition requiring a construction management plan that focuses on construction traffic and access to the site that would be assessed by Highways.

The original layout of this housing scheme included a three-bedroom detached house on plot 10 which is located in the south-western corner of the site. It was felt that a detached house in this location would adversely impact upon levels of residential amenity enjoyed by the occupants of 12 West Street, a detached bungalow to the south of the site which currently has a small rear garden. The first-floor windows of the proposed dwelling would be able to look directly into habitable room windows of this bungalow, however the case officer requested that the applicants amend this dwelling to a bungalow to overcome any issues regarding loss of privacy to the adjacent bungalows to the south of the site. These amended plans have been received and the bungalow proposed is considered to be acceptable. The remainder of the proposed layout is not considered to adversely impact upon the amenities of occupants of residential properties adjoining the site.

An objection has been raised regarding loss of value of property adjacent to the site, however this is considered to be non-material. Additionally, an objection has been raised regarding removal of a tree and shrub from the site. There are no trees protected by a tree preservation order on the site and developers are discouraged from such practice prior to receiving planning permission.

Policies within the North Lincolnshire Core Strategy require 20% of dwellings on developments within market towns to provide affordable housing and this is to be provided and controlled through a Section 106 agreement. A financial contribution is also required to provide off-site public open space, also to be controlled through a Section 106 agreement.

**RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for contributions in terms of affordable housing (two units) and off-site public open space (£5,804.09), the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 4 September 2014 the Head of Development Management be authorised to refuse the application on grounds of the development having an adverse impact upon the existing community by virtue of a lack of provision for affordable houses and public open space as required by policies CS9 of the North Lincolnshire Core Strategy, and H10 and SPG10 of the North Lincolnshire Local Plan; and**
- (iv) the permission so granted be subject to the following conditions and conditions to be advised by Highways in the interests of road safety:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: BG/158/01, BG/158/03, BG/158/04, BG/158/05, BG/158/06, BG/158/07, Ki.su/AS/12/101, W.sr/OP/10/101, MC/AS/12/101, MCa/OP/12/101, Ca/AS/12/101, Te/AS/10/101 and BG/158/02 Rev A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The development shall be carried out in accordance with the amended details received by the local planning authority on 22 May 2014.

Reason

To protect the living conditions of the occupants of existing residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

5.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

**Reason**

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

6.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted document, 'Biodiversity Management Plan, Land Off Burgon Crescent, Winterton, North Lincolnshire' dated February 2014 and the submitted drawing number BG/158/03. The management prescriptions set out in sections 5, 6 and 7 of the management plan shall be carried out in their entirety in accordance with the timescales set out in the work programme in section 8. All biodiversity features shall be retained thereafter.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

# Winterton

North Lincolnshire Council

0m 50m

St. Mary's C of E School

Bowls Club

**APPLICATION SITE**

BURCON CRESCENT

**PARK HERE**

23.6m

Church

Cross

Club

Chapel Court

Winterton Junior School

Youth Centre

Green Hey

QUEEN STREET

CHAPEL LANE

Title: PA/2014/0249

Drawn by: Sue Barden

Date: 20/05/2014

Scale 1:1250



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**Director of Places**  
**Peter Williams**  
BSc,DMS,CEng,MEI,MCMI,AMIMechE



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KINGSTON  
4 BED

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WORDSWORTH  
3 BED

3  
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WORDSWORTH  
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KINGSTON  
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CANTERBURY  
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9  
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MALVERN  
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CLEVELAND  
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Green Hey Flats

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23.6m +

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